

Rec'd 5/24/17
CL

United States District Court
District of Massachusetts

Anthony Provanzano,

Plaintiff,

v.

MTD Products Company,

Defendant.

Civil Action No.
15-11720-NMG

Verdict Form

1. Negligence

- (a) Was the defendant MTD Products Company ("MTD") negligent in designing, manufacturing or failing to provide adequate warnings or instructions for the Troy-Bilt 26J Mini Rider riding lawn mower used by the plaintiff, Anthony Provanzano ("Mr. Provanzano"), on the date of his accident?

Yes



No

[If you answer subpart 1(a) "Yes", answer subpart 1(b). If you answer subpart 1(a) "No", proceed to Question 2.]

- (b) Was the defect(s) in the design, manufacture, warnings or instructions of the Troy-Bilt 26J Mini Rider riding lawn mower used by Mr. Provanzano on the date of the accident, and found by you in your answer to subpart 1(a), a substantial cause of the accident?

Yes

No



[If you answer subpart 1(b) "Yes", answer subpart 1(c). If you answer subpart 1(b) "No", proceed to Question 2.]

- (c) Was Mr. Provanzano negligent in connection with his use of the Troy-Bilt 26J Mini Rider riding lawn mower on the date of the accident?

Yes _____ No _____

[If you answer subpart 1(c) "Yes", answer subpart 1(d). If you answer subpart 1(c) "No", proceed to Question 2.]

- (d) Was Mr. Provanzano's negligence a substantial cause of the accident?

Yes _____ No _____

[If you answer subpart 1(d) "Yes", answer subpart 1(e). If you answer subpart 1(d) "No", proceed to Question 2.]

- (e) What percentage of negligence is attributable to each party?

Mr. Provanzano _____

MTD _____

TOTAL must add up to 100%

2. Breach of Implied Warranty

- (a) Did the defendant MTD breach the implied warranty of merchantability by selling a product (i.e., the Troy-Bilt 26J Mini Rider riding lawn mower) with a defect in its manufacturing, design, warnings or instructions?

Yes ✓ No _____

[If you answer subpart 2(a) "Yes", answer subpart 2(b). If you answer subpart 2(a) "No" and you answered either Question 1(a) or 1(b) "No", your deliberations are complete. If you answer subpart 2(a) "No" but you answered Question 1(b) "Yes", proceed to Question 3 ("Damages").]

- (b) Was the defect in the design, manufacture, warnings or instructions of the Troy-Bilt 26J Mini Rider riding lawn mower used by Mr. Provanzano on the date of the accident a substantial cause of the accident?

Yes _____

No ✓

[If you answer subpart 2(b) "Yes", answer subpart 2(c). If you answer subpart 2(b) "No" and you answered either Question 1(a) or 1(b) "No", your deliberations are complete. If you answer subpart 2(b) "No" but you answered Question 1(b) "Yes", proceed to Question 3 ("Damages").]

- (c) Did Mr. Provanzano, with full knowledge of the defect and danger of the Troy-Bilt 26J Mini Rider riding lawn mower, nonetheless voluntarily and unreasonably use that product on the date of the accident?

Yes _____

No _____

[If you answer subpart 2(c) "Yes" and you answered either Question 1(a) or 1(b) "No", your deliberations are complete. If you answer subpart 2(c) "Yes" and you answered Question 1(b) "Yes", proceed to Question 3. If you answer subpart 2(c) "No", proceed to Question 3.]

3. Damages

What amount of money, if any, do you award to Mr. Provanzano to compensate him fully, fairly and reasonably for his injuries?

_____ (words)

\$ _____ (numbers)

YOUR DELIBERATIONS ARE COMPLETE. THE FOREPERSON WILL SIGN THE VERDICT FORM AND NOTIFY THE MARSHAL IN WRITING THAT THE JURY HAS COME TO A DECISION WITHOUT REVEALING THE VERDICT TO THE MARSHAL. THE JURY WILL THEN BE INVITED TO THE COURTROOM TO RETURN ITS VERDICT.

Dated: 24 May 2017

Jury Foreperson: Sandra S Williams